

App. F. 1A-4

Previous References

Letter Nos. 14-34 (1-4)
14-35 (1-14)

Letter References.

1935.
(Seven)

File No. 14-35

Serial Nos. 11 -

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

rial Nos. Seven

Part B for May 1937

SUBJECT.

Letter Nos. 4

(number) defalcation

cases

WD 0418—GPB—22,500—23-8-36

W. J. M. J.
18/5/37

Serial
No.

From

Sh. C. C. 7.

No E 177-407-34., dt 9-9-36 Requesting
the ^{of Govt.} for orders to the adjustment of a sum
of Rs 1925/- paid by Ex Forester H. Seetha
1) It is suggested by the C. C. 7 in his
letter Flay V ^{of 24.5.36} that the sum of Rs 1925/-
remitted to the Treasury by Mr. H. Seetharamia
can be safely appropriated towards his
civil dues. In P. U. D. he solicits
orders of Govt for the adjustment of the
same sub. in orders

12/9
1936

2) It is the Forester H. Seetharamia
that ~~he~~ has paid this sum of Rs 1925,
& he does not state any details
to show from whom & for what
purchase of timber he received
this money. This sum therefore ~~has~~
cannot be given credit to any
particular merchant or merchants.
Out of the total value of money due
to Govt on account of the Tarikere
Sales in question, this sum of Rs 1925,
has to be deducted and the balance
claimed. This is what is suggested
at 'A' by the C. C. 7 in para 3 of
his letter of 24 Febr 1936.

It is not clear why Govt

are necessary to give effect to this suggestion - However to avoid further correspondence & delay in the matter, this view of the C.E.F. may be accepted & he informed accordingly.

Genl Secy) 1000 14/9

4) For favour of remarks.

1000 12/9/36

no Secy 4/2

1000 12/9

5) A I agree

Genl Secy with copy

1000 1.10.36

6) For appt

1000 1/10

Secd member

1000 7/10

First member

1000 4/10/36

8) 8/10

9) 8/10

10) Doubt

1000 8/10

Subd a dft for approval

12/10 1000

Issue 1000 14/10 2nd no

14 SEP. 1936 342

1 OCT. 1936 772

OFFICE OF THE SECOND MEMBER OF COUNCIL 2 - OCT. 1936 NO 24/3

OFFICE OF THE FIRST MEMBER OF COUNCIL 3 OCT. 1936 2120

13. OCT. 1936

2570, 15-10-36

Serial
No.

From

The C. C. 7.

Letter no E 177-407-34, dt 24.9.36.

States that the question of launching fresh cases against Mr A. M. Munishwamy Mr or his son has been dropped.

1) Subd. The D. S. P. Kadur Dist. in his letter (copy) No D. C. 157/34-35, dt 8-8-36 to the D. F. O., Bhadravati Division has stated that there are three instances in which Mr Munishwamy Mr could be proceeded with, and in spite of it has recommended the dropping of fresh cases against him for the reason that the incident ^{took place} was so far back as 1933 and that there will be trouble and expense for the prosecution in getting the official witnesses.

2) The C. C. 7. agreeing with the above recommendation as well as that of the departmental officers has dropped the question of launching fresh cases against Mr A. M. Munishwamy Mr or his son.

~~As the Dept. has agreed to para to~~
~~Supra is subd. for approval.~~

14/10
MDK

Serial
No.

3) In the circumstances reported, the recommendation of the C.C. may be accepted -

Gen Secy)

one
15/11

4) Asst Secy may please speak to me re this case after I return to Bangalore

Ind

7/11

Please put up Law 208-34 (1-4) or any other file containing copies of Jnopts in C.C. 56 & 65. Was the question of appeal against the order of acquittal of 2nd accused raised at any time? If so please put up the concerned papers also -

1000
9/11/36

bd

1) Letter no I. C. 107 - 35, of 5-8-35 (copy) from the D.O.P., K. & Nag L. p. 1000. Some facts for proceeding against Mr A M

GENERAL SECRETARY
17 OCT. 1936
215

Sub in person was asked to study if there was no case to be proceeded against the accused in A. M. M. Hoshia who was the 2nd accused in the previous CCS
one
7/11

Pl. asked to this extent -
It has been decided for a further
22/11/36

Serial
No.

Muniswamy Mod. It is reported herein that fresh Cases could not be instituted for want of the Records. It is for kind Consideration whether the same may be done now

24/11

8) The question for consideration is whether there are materials to launch fresh proceedings against Mr. Munisami Modaliyan or his Son. The papers in this file and the connected file do not furnish sufficient information to express an opinion on the question.

9) On his letter of 26.11.35, the District Superintendent of Police, Kallar, says that in order to come to a decision about the advisability of launching fresh prosecution, a more detailed study of exhibits already produced in the four cases, and scrutiny of other registers and records of the Depot are necessary. In his later letter of 8.8.36 he observes "Amongst the logs consigned by Ex-contractor Mr. Munisami Modaliyan, there were three instances in which he could be proceeded with along with the Forester, the most flagrant being the despatch of logs Nos. 4210, 4485 and 4487 which had been refused to him in his selection

list dated 2nd June 1933 there was in Gun no. 371 which he had mentioned the number of these three missing Government logs from the depot as having sold them to Messrs Rajepillay and Partners. From this we may fairly presume that if worked on higher lines sufficient material may now be lacking to launch a fresh prosecution.

(10) That an ~~ex-forever~~ Mr. Sitaraniam is dead or ~~that~~ years have elapsed since the offence took place. do not in my opinion, constitute sufficient grounds to dish the question of launching prosecution. Mr. Sitaraniam could not have ~~himself~~ committed the offence, unless he was aided ~~and~~ ~~by~~ persons like Mr. Annamalai Modaliar.

(11) I think it is therefore desirable that the D.S.P. of Kadur should be asked to look into the records (preferably with the help of the Probationing Inspector, who conducted the previous four cases) and submit a detailed report about the material available for launching a fresh prosecution.

Jarikere Timber Defalcation case

General and Revenue
Secretariat

Law File No.

14

of 1935.

[App. F. III-2

Serial
No.

Keeping in view the observations made by the
Court during the trial of the previous four
cases.

GENERAL SECRETARY.
1200
14 DEC. 1936

OFFICE OF THE
SECOND MEMBER OF GOVT. CIL.
23 DEC. 1936
NO 4746

Gen. Secy)

BXR
14.12.36

12) This may be appd

hd
22/12/36

This Sec Secy

13) MIN. NO. BXR
23.12.36

Secd Member

14) nu
25/12/36.

First Member

15) nu
26/12

107
26.12

16) Draft
BXR
2.1.37

17) Subd with a dft. for approval.

3/1

18) Issue
BXR
4.1.37

To

the D. R.

Kadur Dist

Letter No P 4343, dated 8-1-37

Requests him to submit a detailed report
for launching fresh prosecutions against
Mr A. R. Muniswamy Rao or his son

Typing Section
4. JAN 1937
GENL & REV. SECT.

Serial
No.

19

From

The Deputy Commr, Kadur District
forwards a copy of report received
from the D.S.P. - stating
that the question of institution
of any more fresh cases may be
dropped for reasons given in
his letter of 11-8-36 to D.F.O. Bhadravathi.

18) The D.S.P. has simply forwarded
a copy of his letter dated 8/11/36
addressed to the D.F.O. Bhadravathi,
a copy of which was received ^{here} from
the C.C. 7 in Sept 1936. (vide 7.c.d.)
The D.S.P. states that the opinion was
given after consulting the present
Inspector Mr. N. Ramaswamiiah,
who is now at Tumkur.

Kind reference is invited to
para 9 supra in which reference
has already been made to this letter
of 8-8-36. No fresh reasons are
assigned for dropping the question
of launching a ^{fresh} prosecution.

21/2/37

14) It is a pity that the

District Superintendent of Police has brought it

Serial
No.

bit, simply to refer to his previous opinion,
instead of expressing his views after examining
a fresh the entire memo and account books. In
fact it was after considering the previous opinions
of Mr D.S.P., which were rather inconsistent, the
Government directed a further investigation
into the matter and called for a detailed report.
The District Magistrate of Kadur may perhaps be
requested to instruct the D.S.P. to find out if the
circumstances mentioned in the latter's letter of
8-8-36, regarding Cops nos 4216, 4485 and 4487, cannot
if worked on proper lines, provide materials for launching
fresh prosecution

GENERAL SECRETARY
23 FEB. 1937
1624

Gen. Secy.) 20) Yes - Minute
BMR
22.2.37
23/1

21) Draft
BMR
23.2.37

TYPING SECTION
24. FEB. 1937

Subd with a dpt. for approval

23) Done
BMR
24.2.37

Issued no P. 5762, 24-2-37

Sur A
22-2-37
PL remind on 10-3-37

re. launching fresh prosecution against Mr
A. K. Mumbhram Nor.
File No. 14 of 1935
Law

General and Revenue
Secretariat

For.

The Dist. Magt.
Kannur.

Letter no. T 2830/26-37, D. 9-11-37

Forwards a ~~for~~ report prepared
jointly by the then Prosecuting Inspector, and
the present.

(4) Reference paragraphs 8 to 11 of the
The joint report prepared
on the question is flagged R from which
is reported that the

materials are not sufficient to warrant
a conviction against Mr. Mumbhram Nor,
and that no useful purpose will be
served by launching a fresh prosecution.

(5) The Dist. Supt. of Police, Kadi
states that he has carefully gone through
all the available investigation and Court
records and the joint report, and
agrees with the views expressed by them.

Submitted

(6)

Kind reference

in v. No. 6 paras. 11 to 15 and 19 and 20.

The case has been
examined over by Mr. S. C. M. Allappa &
(Investigative officer); Mr. N. Ramaswami

Serial
No.

who conducted the prosecution in the previous cases, and Mr. B.S. Murthy, the present Prosecution Director. and they have submitted a joint note (Flagged R) that chances of successful prosecution are too meagre and that the matter may be dropped. Mr N. Ramaswami has submitted also a separate note (Flagged R), arriving at the same conclusion. The District Superintendent of Police writes that he has carefully gone through the records and their reports and that he agrees with the views expressed by them.

22) In his letter of ^{8.8.36} ~~22.8.35~~, addressed to the D-F-O, Bhadravathi, the D.S.P. of Kadur has observed that amongst the logs consigned by the ex-Contractor Mr Munisami Modaliar, there were three instances in which he could be proceeded along with the Director, the most flagrant being the despatch of logs No- 4210, 4485 and 4487, which had been refused to him in his Selection list dated 2nd June 33. There was his bill no. 371, in which he had mentioned the number of these three logs missing Government logs from the depot as having sold them to Messrs Raja Pillay & partners. It was from this, it was hoped that if worked on proper leads, sufficient materials might be forthcoming

to launch a dress machine ^{and therefore} ~~this~~ further
investigation and report was noted

Q) It now transpires that

Mr. Lef. No. 4210, 4485 and 4487 asked
for ~~the~~ Plaschak Kristina Modalean were not
satisfied. then is there any evidence
to show that an
either to Munis

Rashtrakishna inscription. No summary men
try either is available. No
evidence is thus lacking. Then it will
be a false defect

20) The other questions arising in the case have also been fully discussed in both the reports. (hashimuland
to in our joint report, and various

Caribon Timber Defalcation 13

General and Revenue
Secretariat

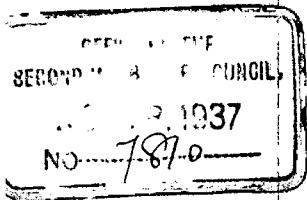
Law File No.

14

of 1935-

[App. F. III-2

Serial
No.



GENERAL SECRETARY
20 APR. 1937

into consideration all the circumstances of the case, it would be difficult to say with any confidence, that the prosecution will be successful. I think therefore that the ^{idea of prosecution?} matter ^{may} ~~perhaps~~ be dropped

Gen. Secy

BMR
19.4.37

Agree - There seems to be no other course. Ref order in para 14

no
29/4/37

Mr. Dev Secy

WR
30/4/37
BMR
30.4

Secd Member

All
8/5/37

Trist Member

10/5/37
no
7/5
BMR
7.5

~~The draft is in accordance with the~~
A draft ~~of the order~~ stating that the question of prosecuting Mr. Munisamy has not been dropped is subd. for approval

NOTE—Contn. Sheet.

WD 0417--GPB-30,000-8-9-36

no. P. 6432, 20/5-5-37

13
14-5-37

MYSORE FOREST DEPARTMENT.

No. E. 177-407-34.
ENC.

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE.

Bangalore, dated.....9th September 1936.

FROM

M. MACHAYA, Esq., B.A. (OXON.),

Law 14-35-14
Chief Conservator of Forests in Mysore,
Bangalore.

To

M. Venkatesa Iyengar, Esq., M.A.,

General Secretary to the Government.

of H. H. the Maharaja of Mysore,
Bangalore.

Sir,

Adverting to Government Order No.P.1585-7/Law 14-35-14 dated 1st/3rd September 1936 passing orders in regard to the money due from certain merchants on account of timber purchased by them from the Tarikere Depot, I have the honor to request that orders of Government in regard to adjustment of a sum of Rs.1,925/- paid by Ex-Forester H.Seetharamiah on 25th September 1934 (Vide para 3 of my letter No.E. 177-407-34 dated 24th February 1936), may be kindly obtained and communicated early.

I have the honor to be,

Sir,

Your most obedient servant,

M Machaya

Chief Conservator of Forests.

C11/9-9-36.

MYSORE FOREST DEPARTMENT.

No. E. 177-407-34

Enc. 2.

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE.

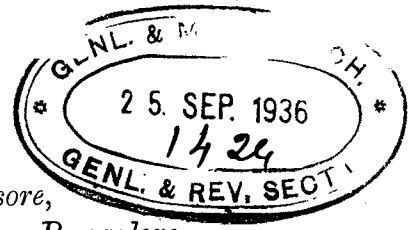
Bangalore, dated 24th September 1936.

SR 121-34-45

FROM

M. MACHAYA, ESQ., B.A. (OXON.),

Chief Conservator of Forests in Mysore,
Bangalore.



TO

M. Venkatanaranappa, Esq., B.A.,
Secretary to the Government
of H. H. the Maharaja of Mysore,
Development Department, Bangalore.

Sir,

In continuation of my letter of even number dated 8th August 1936 forwarding copies of judgments passed by the Sessions Judge, Shimoga Division on the appeals preferred by H. Seetharamiah, Ex-Forester and accused in Criminal Cases Nos. 56, 65, 84 and 85 of 1934-35 on the file of the Special First Class Magistrate, Chikmagalur in connection with the Tarikere Timber Depot irregularities and of the orders of the High Court of Mysore passed on the Criminal Revision Petitions filed by him against the decisions of the Sessions Judge, Shimoga Division in the four cases, I have the honor to forward herewith copies of the marginally noted papers and to state that in view

- (i) Letter No. 151/34-35 dated 26-11-35 from the District Superintendent of Police, Kadur District, to the District Forest Officer, Bhadravati Division;
- (ii) - do - No. I.C. 151/34-35 dated 8-8-36 from - do - to - do -
- (iii) - do - No. I. 35-365/34 dated 15/17-9-36 from the Conservator of Forests, Shimoga Circle to this office; and
- (iv) - do - No. 356 dated 12-9-36 from the District Forest Officer, Bhadravati Division to the Conservator of Forests, Shimoga Circle

of the fact that the Ex-Forester is no more and the other circumstances brought out in the latter three papers, the question of launching fresh cases against Mr. A. M. Munisami Mudaliar

or his son has been dropped.

dropped

I have the honor to be

Sir,

Your most obedient servant,

A. Maskey

511/23-9-36.

Chief Conservator of Forests.

TH

subd for perusal.

Copies of judgments refd to above have been put up
the file re remuneration to certain police & forest off
who helped the prosecution

This question of dropping further proceedings against me
unnecessarily now or then
is pref. for. subd for orders.
to be dealt with

19 ^{my} / _C

may be referred to Law Dept.

Div. (1111)

21.9.36

12/2/36

Law d. p. H. }
w/c

Said
ml
1/10

(By 12.16.00)

Subd one main file has been subd to the 2nd
member ^{today} ~~on 2/10~~ & return will be awaited

2/10
msk

Letter No.151/34-35 dated 26th November 1935 from the District Superintendent of Police, Kadur District, Chikmagalur to the District Forest Officer, Bhadravati.

With reference to your letter No.878 dated the 21st instant enquiring whether any further action would be taken in connection with the other logs amongst the missing Government Timber from the Tarikere Forest Depot, I have the honor to state that it has been found that either A.M.Munisami Modaliar or his son Radhakrishna Modaliar has booked by Railway 117 logs of 32-33 pertaining to the Government timber in 11 different consignments to various places outside Mysore State and that beyond entries of numbers of logs in the concerned Railway invoices, none of the logs was actual and seized as the merchants that received the consignments had either used or disposed of them long prior to the preferring of the case to the Police.

It may straight away be said that Forester H.Sitaramiah could be booked with regard to the criminal Breach of Trust in respect of some more logs. As he has already been convicted and sentenced heavily in all the four cases charge-sheeted against him, the institution of any more fresh cases against him will be virtually "Beating a dead horse". Anyway this will be considered after the appeals preferred by him in the Sessions Court are decided. I am aware that all possible steps are to be taken against Munisami Modaliar who narrowly escaped being punished in C.C.Nos.84 and 85 of 34-35 and also against his son if feasible, since they have "played ducks and drakes" in respect of Government timber as the Forester was amenable to them. To come to a decision about this, a more detailed study of the several exhibits already produced in the four cases and scrutiny of other registers and records of the Depot, are necessary. Since the exhibits have been sent to the Sessions Court, for hearing of appeals it is not possible to attend to this now alone. I have directed the Prosecuting Inspector, Chikmagalur, who has conducted the previous four cases to look into the records and submit a detailed report what further action could be taken in the matter keeping in a view the observations made by the Court during the trials of the connected cases.

(2) Letter No.I.C.151/34-35 dated 8-8-36 from Mr. Wayne, District Superintendent of Police, Kadur District. to the District Forest Officer, Bhadravati Division.

With reference to your letter No.275 dated the 30th instant for my views regarding the launching of fresh cases against the Forester and the contractor in connection with the missing Government logs from the Tarikere Depot, I have the honor to state as follows:

Amongst the logs consigned by Ex-contractor Mr. Munisamy Modakliar there were three instances in which he could be ~~xx~~ proceeded with along with the Forester, the most flagrant being the despatch of logs Nos. 4210, 4485 and 4487 which had been refused to him in his selection list dated 2nd June 1933. There was his bill No. 371 in which he had mentioned the numbers of these three missing Government logs from the Depot as having sold them to Messrs. Raje Pillay partners. It was with an idea of instituting fresh cases, ~~read~~ kept this matter open. The cases could not be filed as the ~~records~~ and exhibits connected with the cases were retained in the Sessions Court till the middle of March last for the decision of appeals ~~in~~ in the Court and the file of records being subsequently sent to the High Court in Mysore as Revision Petitions were filed in that Court. They were returned in May last and they are now sent over to the Government for filing suits against the foreign merchants. There were thus no facilities so far for instituting fresh cases and for the prosecution of the cases.

3. The High Court in Revision Case No. 335 of 35-36 dated 30th May 1936 reduced the term of two years R.I. maintaining the fine of Rs. 1,000/- and directed under provisions of Section 397 Cr.P.C. that the latter sentence should run concurrently with the similar sentence imposed in C.C. No. 65 of 34-35 observing that the total period of ~~4~~ years R.I. and fine of Rs. 1,500/- with R.I. for one year in default of payment of fine passed on him in all the four cases put together (i.e. C.C. No. 56, 65, 84 and 85 of 34-35) were far too severe. Hence his further prosecution in fresh cases will have to be dropped.

4. As for fresh cases being instituted hereafter against the contractor, it will give him scope to plead that he is hampered in

meeting the cases against him and adduce defence as in the incidents were so far back as 1933. There will be trouble and expense for prosecution in getting the official witness is from different places for giving their evidence. For these and other inconveniences incidental in conducting cases of events of four years back, I am of opinion that the matter of launching any more fresh cases be dropped

3) Letter No.I.35-365-34 dated 15/17-9-36 from the Conservator of Forests, Shimoga, to the Chief Conservator of Forests, in Mysore Bangalore.

With reference to your letter No.E.177-407-34 dated the 9th instant calling for my opinion regarding the launching fresh cases against Ex-Forester H.Seetharamiah and Mr.A.M.Muniswami Mudaliar or his son, I have the honor to state that H.Seetharamiah is reported to have died in the jail. Apart from the other reasons stated by the District Superintendent of Police about the inadmissibility of launching fresh cases against Mr.Muniswami Mudaliar, the death of the Ex-Forester makes it all the more difficult to obtain any substantial evidence against the former if fresh cases were to be launched.

A copy of the Bhadravati District Forest Officer's letter No 537 dated the 12th instant expressing his opinion in the matter is enclosed. Agreeing with him, I request that the question of launching fresh cases may be kindly dropped.

(4) Letter No.537 dated the 12th September 1936 from the District Forest Officer, Bhadravati Division, to the Conservator of Forests Shimoga.

Re:- Further action to be taken against H.Seetharamian, Ex-Forester and Mr.A.M.Muniswami Mudaliar or his son Radhakrishna Mudaliar in regard to the Government logs of timber missing from the Tarikere Depot.

With reference to your No.I.35-365-34 dated 11th September 1936 regarding the above, I have the honor to state as follows:

H.Seetharamiah is now dead and hence there is no need to launch any more cases against him

As regards Muniswami Mudaliar and his son, I believe that any fresh cases that may be launched against him will be weaker than the cases already decided in his favour in the court as the police selected the best cases against him, when the cases were started.

The matter may therefore be kindly dropped.

"Copie



Chief Conservator of Forests.

CL1/23-9-36.



SUBJECT.....

Section Law

File No. 14 - 35

Serial No. — 17

No. P2570.

Diary No. of letter replied to.....

To

General and Revenue Secretariat

()

the 193

Date of issue..... 15.10.36.

Signed by Mr. M. R. J. R.

Chief Conservator of Forests

Sir

With reference to your letter no. E. 177-407-34, D. 9 E. Sept. 36 requesting orders of Govt in regard to ^{the} adjustment of a sum of Rs. 1925/- paid by Mr. H. Seetharamaia, I am directed to state that Govt have no objection to ^{you} adjusting this sum of Rs. 1925/- ~~towards the value of~~ ^{in the manner} the missing unsold Govt timber as suggested by you in your letter of 24 Feb 1936.

I have etc.

List of enclosures.....

Copied by

Examined by.....

one
12/10
For Genl Secy.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 94343

Law 14-35-18

Bangalore, Dated, 8th Jan. 1937.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The District Magistrate,
Kadur District, Chikmagalur.

Sir,

Re. Marikere Timber Defalcation cases.

I am directed to request you to instruct the District Superintendent of Police, Kadur District to look into the records on the above subject (preferably with the help of the Prosecuting Inspector who conducted the previous four cases) and submit a detailed report about the materials available for launching a fresh prosecution against "r. a. r. uniswami Mudaliar or his son, keeping in view the observations made by the Court during the trial of the previous four cases. The matter may be treated as urgent.

Have the honour to be,

Sir,

Your most obedient servant,

MR

For General Secretary to Government

Q

V. V. P. 2.

SUBJECT.....

Section Law

File No. 14-35

Serial No. 18

No. P4343

Diary No. of letter replied to.....

To

General and Revenue Secretariat

()
the 193 .

The Dist. Magt., Kader
Re: Tarikere Timber Defalcation
Cases.

Sir,

Date of issue..... 9.1.37

Signed by Mr. P. K. R. 1

I am directed to
request you to instruct the
D.S.P. adur Dist., to look
into the records on the above
Subject (preferably with the help
of the Prosecuting Inspector who
conducted the previous four
cases.) and submit a
detailed report about the
materials available for
launching a fresh prosecution
against Mr. A. M. Muniswamy
for

List of enclosures.....

Copied by A. C. S. 1

Examined by.....

or his son

MDR who was ~~the~~ accused
in the previous cases, keeping
in view the observations made
by the Court during the trial
of the ^{previous} four cases. The matter
may be treated as urgent.

I have etc.

MDR

For Genl Secy
S

D. C. 3]

In reply please refer
to—

No J..2830/36-37
Encl. 2.

4113226
OFFICE OF THE DISTRICT MAGISTRATE, 2
KADUR DISTRICT.

Chikmagalur, dated...15th...February...1937

Law 14-35-17

FROM

B.S.Raghavendra Rao, Esquire., M.A., (Hons)
District Magistrate,
Kadur District.

To

M.Venkatesa Iyengar, Esquire., M.A.,

Secretary to the Government of His Highness
the Maharaja of Mysore,

General.....Department,
BANGALORE.

GENERAL SECRETARY.
16 FEB 1937

SIR,

With reference to your letter No. P.4343 Law 14-35-18 dated 9th January 1937 requesting to instruct the District Superintendent of Police, Kadur District, to look into the records of the Tarikere Timber defalcation cases and submit a detailed report about the -- materials available for launching a fresh prosecution against Mr. A.M. Muniswamy Madaliar or his son, I have the honour to forward herewith a copy of the report received from the District Superintendent of Police, Kadur District, together with a copy of its enclosure for the information and orders of Government.

I have the honour to be,
Sir,
Your most obedient Servant,

Romkumar
Assistant Commissioner,
For District Magistrate,
Kadur District.
(absent from Headquarters).

C.M.F.

Copy of Letter No. I.C.151/34-35 dated 8th/11th August 1936 from the District Superintendent of Police, Kadur District, Chikmagalur, to the District Forest Officer, Bhadravathi Division, Bhadravathi..

With reference to your letter No. 273 dated the 5th instant for my views regarding the launching of fresh cases against the Forester and the contractor in connection with the missing Government logs from Tarikere Depot, I have the honour to state as follows:-

Amongst the logs consigned by Ex-contractor Mr. Munisami Modaliar there were three instances in which he could be proceeded with along with the Forester, the most flagrant being the despatch of ^{logs} ~~large~~ Nos. 4210, 4485 and 4487 which had been refused to him in his selection list dated 2-6-33. There was his Bill No. 371 in which he had mentioned the numbers of these three missing Government logs from the depot as having sold them to Messers Rajupillay or partners. It was with an idea of instituting fresh cases, I had kept this matter open. The cases could not be filed as the records or exhibits connected with the cases were retained in the Sessions court till the middle of --- March last for the decision of appeals filed in the court and the file of records being subsequently sent to the High Court in Mysore as -- Revision Petitions were filed in that Court. They were returned in May last and they are now sent over to the Government for filing suit against the foreign merchants. There were thus no facilities for -- instituting fresh cases and for the prosecution of the cases so far.

The High Court in Revision case No.335 of 35-36 dated 30-5-1936 reduced the term of 2 years R.I., passed on the Forester in C.C.No. 55/34-35 to $1\frac{1}{2}$ years R.I., maintaining the fine of Rs.1,000/- and directed under provisions of section 397 Cr.P.C., that the latter -- sentence should run concurrently with the similar sentence imposed in C.C.No.65 of 34-35 observing that the total period of $4\frac{1}{2}$ years R.I., and fine of Rs.1,500/- with R.I., for one year in default of payment of fine passed on him in all the four cases put together (i.e., C.C.No. 56,65,84 & 85 of 34-35) were far too ^{severe} ~~severe~~. Hence his further prosecution in fresh cases will have to be dropped.

As for fresh cases being instituted here after against the contractor it will give him scope to plead that he is hampered in meeting the cases against him and adduce defence as the incidents were so far back as 1933. There will be trouble and expense for prosecution in getting the official witnesses from different places for giving their evidence. For these and other inconvenience incidental in conducting cases of events of four years back, I am of opinion that the matter of launching any more fresh cases be dropped.

" C O P Y "

K. V. S. Man
For District Magistrate,
Kadur District.

RM

Letter No. I.C.151/35-36 dated 21st January 1937 from the District Superintendent of Police to the District Magistrate, Kadur District Chikmagalur.

With reference to your J.2830/36 dated 13-1-1937 re. launching fresh cases against Mr. A.M.Muniswamy Mudaliar or his son, I have the honour to state that the previous cases were conducted by the then Prosecuting Inspector Mr. N.Ramaswamiah who is now at Tumkur.

My opinion in the matter has in consultation with the prosecuting Inspector already been given to the District Forest Officer, Chadravathi in my letter No. Ic.151/34-35 as long back as 8/11th August 1936 opining that the institution of ~~my~~ any more fresh cases might be dropped. A copy of the latter under advertance is herewith submitted for favour of information.

" C O P Y " .

L.M.F.

Ponkushman 15/2/37
For District Magistrate,
Kadur District.
P.M.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

16

No. P 5162 Law 14-35-20 Bangalore, Dated, 24th February 1937.

From

The General Secretary to the Government of His Highness
the Maharaja of Mysore.

To

The District Magistrate,
Kadur District.

Sir,

Subject:- Tarikere Timber defalcation cases.

With reference to your letter No. J. 2830/36-37, dated 15th February 1937 forwarding copy of report from the District Superintendent of Police, Kadur District, I am directed to state that the District Superintendent of Police has simply referred to his previous opinion instead of expressing his views after examining afresh the entire records and account books and to request you to instruct the District Superintendent of Police to find out if the circumstances mentioned in his letter No. I.C. 151/34-35 dated 8th August 1936 to the District Forest Officer, Bhadeavathi Division, regarding logs Nos. 4210, 4485 and 4487 cannot if worked on proper lines, provide materials for launching fresh prosecution against Mr. A.M. Muniswamy Mudaliar or his son.

The matter may be treated as urgent.

I have the honor to be,
Sir,
Your most obedient servant,

BKR

General Secretary to Government.

SUBJECT.....

Section. Law

File No. 14-35

Serial No. 20

No. 15162

Diary No. of letter replied to.....

To

General and Revenue Secretariat.

()
the 193 .

Date of issue 24.2.37

Signed by Mr. BKR

List of enclosures.....

Copied by.....

Examined by.....

The Dist. Magt

Kadur

Tarikere Timber defalcation case

Sir,

With reference to

your letter no J. 2830/36-3

dated 15.2.37 forwarding Cop.

of report from the D.S.P.

Kadur dist., I am directed

to state that the D.S.P.

has simply referred to his

previous opinion instead of

expressing his views after

examining afresh the entire

Records and account books,
and to request you to
instruct the D. S. P. to find
out if the circumstances
mentioned in his letter no
D.C. 157/34-35, dated 8-8-36
from District Forest Officer, Bhadravathi Dn;
Regarding books Nos 4210, 448
and 4487 cannot if worked
on proper lines, provide material
for launching fresh prosecution
against Mr. A. N. Munishwamy
MOR or his son.

The matter may be
treated as urgent.

I have etc.

BKR

For Genl Secy.
S

No. J 2830 / 36-37

Office of the District Magistrate,

Kadur District, 9

Dated Camp Kadur 9th April 1937.

From

B.S. Raghavendra Rao Esq., M.A., (Hons),

Offg. District Magistrate,

Kadur District,

Law 14-35-21

GENERAL SECRETARY.
13 APR. 1937

Sir,

To
V. Vedavyasacharya Esq., B.A.,

General Secretary to Government of Mysore,

Bangalore.

Subject:- Tarikere timber defalcation case.

With reference to your letter No. P. 5162 L 14-35-20 dated the 24th February 1937 and subsequent reminders dated 10-3-1937 on the above subject, I have the honour to state that the District Superintendent of Police, Kadur District, was instructed to submit his views in the matter after examining afresh the entire records and account books and to find out if the circumstances mentioned in his letter No. I.C. 151/34-35 dated 8th August 1936 to the District Forest Officer, Brauravati -- Division, regarding logs nos. 4210 etc cannot if worked on proper lines provide materials for launching fresh prosecution against Mr. A. V. Uniswamy Udaliar or his son.

The District Superintendent of Police reports that he has obtained a joint note put up by the then Investigating Officer and the Prosecuting Inspector and also the Present Prosecuting Inspector Mr. B.S. Murthy as also another exhaustive note by the then Prosecuting Inspector, on going through all the available investigation and court records. The District Superintendent states that he has carefully gone through the records and their reports and agrees with the views expressed by them that chances of successful results are too meagre to attempt to launch fresh prosecutions in the case.

The report of the District Superintendent of Police No. I.C. 15/34-35 dated 4th April 1937 together with its enclosures are sent herewith, in original, for -- reference.

I have the honour to be,
Sir

Your most obedient servant,

B. S. Raghavendra Rao
Offg. District Magistrate
Kadur District.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. *P6432* *Law 14-3522* Bangalore, Dated, 13th May 1937.
14

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Chief Conservator of Forests in Mysore,
Bangalore.

Sir, SUBJECT:- Regarding launching fresh cases against
Mr. A. V. Muniswamy Mudaliar or his son.

With reference to your letter No. E.177-407-34 dated 24th September 1936 in regard to the above, I am directed to state that in the circumstances reported, the question of launching fresh cases against Mr. A. V. Muniswamy Mudaliar or his son may be dropped.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- M. Venkatesa Iyengar,

Memo No. *P6433* *Gen. Secy* General Secretary to Government.

Copy of the above is forwarded, with compliments, to the District Magistrate, Kadur, with reference to ~~his~~ correspondence ending with letter No. J.2830/36-37 dated 9th April, 1937, with records.

By Order,

S.R.3

for General Secretary to Government.

SUBJECT

Section Law

File No. 14 - 38

Serial No. 22

Diary No. of letter replied to.....

No. P6432.

To

General and Revenue Secretariat

()
the 193

The Chief Conservator of Forests
Re: launching fresh cases
against Mr. A. K. Mumbhary
M or his son

Date of issue..... 14.5.37

Sir, -

Signed by Mr. P. K. R.

With reference to
your letter no E. 177 - 407 - 34,
dated 24th Sept 36 in re:
the above, I am directed
to state that in the
circumstances reported, the
question of launching fresh
cases against Mr. A. K. Mumbhary
M or his son may be
dropped

List of enclosures.....

Copied by

Examined by.....

for 300
13/5

no P. 6433/Records (seah. for Genl Secy
in Regd. post)

WD 0521—GPB—30,000—12-3-37

I have etc.
BMR
Copy to the Dist Magt, Kadur with
reference to correspondence ending in
letter no J 2830/36-37, dt 9 April 37
with Records.